

I. AMENDMENT

In the Claims:

The following listing of claims will replace all prior versions and listings of the claims in the application:

1-25. (Canceled)

26. (Currently Amended) An isolated or purified nucleic acid comprising a plant promoter comprising a polynucleotide possessing at least ~~[[80%]]~~95% nucleotide identity with a fragment of at least 200 consecutive nucleotides of a nucleotide sequence SEQ ID No. 1 or the complement thereof.

27. (Previously Presented) The nucleic acid of claim 26, further defined as comprising a different sequence from that entered under the reference No. AC 007 289 in the EMBL database.

28. (Previously Presented) The nucleic acid of claim 26, further defined as comprising all or part of a polynucleotide hybridizing under hybridization conditions of high stringency with the nucleotide sequence SEQ ID No. 1 or the complement thereof.

29. (Previously Presented) The nucleic acid of claim 26, further defined as comprising one of the following sequences:

the polynucleotide extending from the nucleotide at position 1 to the nucleotide at position 2400 of the sequence SEQ ID No. 3;

the polynucleotide extending from the nucleotide at position 493 to the nucleotide at position 2400 of the sequence SEQ ID No. 3;

the polynucleotide extending from the nucleotide at position 1076 to the nucleotide at position 2400 of the sequence SEQ ID No. 3;

the polynucleotide extending from the nucleotide at position 1976 to the nucleotide at position 2400 of the sequence SEQ ID No. 3; and

the polynucleotide extending from the nucleotide at position 2040 to the nucleotide at position 2400 of the sequence SEQ ID No. 3.

30. (Previously Presented) The nucleic acid of claim 26, further defined as comprising a nucleotide sequence of interest placed under the control of the plant promoter.

31. (Previously Presented) The nucleic acid of claim 30, further defined as comprising the nucleotide sequence SEQ ID No. 2.

32. (Previously Presented) The nucleic acid of claim 30, wherein the nucleotide sequence of interest is selected from the group consisting of coding sequences of genes interacting with parasites or pathogens, sequences coding for the endochitinases, sequences coding for proteins protecting the plant from hydric or salt stress, genes acting on sugar content in a plant and genes acting on nitrate transport.

33. (Currently Amended) An isolated nucleic acid comprising 200 to 2000 consecutive nucleotides of a polynucleotide possessing at least ~~[[80%]]~~95% nucleotide identity with a fragment of at least 200 consecutive nucleotides of a nucleotide sequence SEQ ID No. 1 or the complement thereof, which nucleic acid is further defined as a promoter.

34. (Currently Amended) A vector comprising a polynucleotide sequence possessing at least ~~[[80%]]~~95% nucleotide identity with a fragment of at least 200 consecutive nucleotides of a nucleotide sequence SEQ ID No. 1 or the complement thereof.

35. (Currently Amended) The vector of claim 34, further defined as being ~~substantially~~ identical to ~~[[a]]~~the vector contained in an *E. coli* strain deposited with the NCCM on 25 May 1999 under the access No. I-2218.

36. (Currently Amended) A recombinant host cell comprising a vector, comprising a polynucleotide sequence possessing at least ~~[[80%]]~~95% nucleotide identity with a fragment of at least 200 consecutive nucleotides of a nucleotide sequence SEQ ID No. 1 or the complement thereof.

37. (Previously Presented) The cell of claim 36, further defined as a bacterial or plant cell.

38. (Previously Presented) The cell of claim 37, further defined as an *Agrobacterium tumefaciens* cell.

39. (Previously Presented) The cell of claim 36, further defined as a cell of an *E. coli* strain deposited with the NCCM on 25 May 1999 under the access No. I-2218.

40. (Previously Presented) The cell of claim 36, further defined as being comprised in a plant.

41. (Currently Amended) A recombinant plant comprising a polynucleotide sequence possessing at least ~~[[80%]]~~95% nucleotide identity with a fragment of at least 200 consecutive nucleotides of a nucleotide sequence SEQ ID No. 1 or the complement thereof.

42. (Currently Amended) A transgenic plant comprising a polynucleotide sequence possessing at least ~~[[80%]]~~95% nucleotide identity with a fragment of at least 200 consecutive nucleotides of a nucleotide sequence SEQ ID No. 1 or the complement thereof.

43. (Previously Presented) The transgenic plant of claim 42, further defined as a colza, tobacco, or maize plant.

44. (Withdrawn) A method for obtaining transgenic plant comprising:

obtaining a vector comprising a plant promoter having a polynucleotide sequence possessing at least ~~[[80%]]~~95% nucleotide identity with a fragment of at least 200 consecutive nucleotides of a nucleotide sequence SEQ ID No. 1 or the complement thereof operatively linked to a nucleotide sequence of interest; and employing the vector to produce a transgenic plant which comprises the nucleotide sequence of interest placed under the control of the plant promoter.

45. (Withdrawn) The method of claim 44, further defined as comprising:

producing of a recombinant host cell comprising a vector comprising a plant promoter having a polynucleotide sequence possessing at least ~~[[80%]]~~95% nucleotide identity with a fragment of at least 200 consecutive nucleotides of a nucleotide sequence SEQ ID No. 1 or the complement thereof operatively linked to a nucleotide sequence of interest;

regeneration of one or more a plants from the recombinant host cell; and

selection of one or more regenerated plants which have integrated the nucleotide sequence of interest placed under the control of the plant promoter.

46. (Withdrawn) The method of claim 44, further defined as comprising:

producing an *Agrobacterium tumefaciens* recombinant host cell comprising a plant promoter having a polynucleotide sequence possessing at least ~~[[80%]]~~95% nucleotide identity with a fragment of at least 200 consecutive nucleotides of a nucleotide sequence SEQ ID No. 1 or the complement thereof operatively linked to a nucleotide sequence of interest;

infecting one or more plant of interest with the *Agrobacterium tumefaciens* recombinant host cell; and

selecting one or more plant which has integrated the nucleotide sequence of interest placed under the control of the plant polynucleotide promoter.

47. (Withdrawn) The method of claim 44, further defined as comprising:

transfecting a plant cell with polynucleotide comprising a plant promoter having a polynucleotide sequence possessing at least ~~[[80%]]~~95% nucleotide identity with a fragment of at least 200 consecutive nucleotides of a nucleotide sequence SEQ ID No. 1 or the complement thereof operatively linked to a nucleotide sequence of interest;

regeneration of one or more plant from the transfected cell.

selection of one or more plants that have integrated the nucleotide sequence of interest placed under the control of the plant polynucleotide promoter.

48. (Withdrawn) The method of claim 44, further comprising:

crossing of two transgenic plants obtained from the method; and

selecting one or more plants homozygous for the nucleotide sequence of interest.

49. (Withdrawn) The method of claim 44, further comprising:

crossing a transgenic plant obtained by the method with a plant of the same species; and selecting one or more plant derived from the crossing which has conserved the transgene.

50. (Currently Amended) A transgenic plant comprising a plant promoter having a polynucleotide sequence possessing at least ~~[[80%]]~~95% nucleotide identity with a fragment of at least 200 consecutive nucleotides of a nucleotide sequence SEQ ID No. 1 or the complement thereof operatively linked to a nucleotide sequence of interest and expressing the nucleotide sequence of interest specifically in the different cell types of the root at all stages of development.

51. (Currently Amended) A seed of a transgenic plant comprising a plant promoter having a polynucleotide sequence possessing at least ~~[[80%]]~~95% nucleotide identity with a fragment of at least 200 consecutive nucleotides of a nucleotide sequence SEQ ID No. 1 or the complement thereof operatively linked to a nucleotide sequence of interest.